

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER: 08-139M

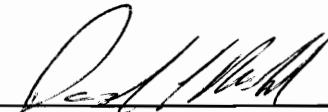
THOMAS BUTCHER

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about August 13, 2008 in the State and District of Delaware, **THOMAS BUTCHER** did knowingly possess in and affecting interstate commerce, a firearm, after having been convicted on or about **May 27, 1992**, of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18 United States Code, Section(s) 922(g)(1) and 924(a)(2).

I further state that I am a(n) Task Force Officer, ATF and a Special Deputy U.S Marshal and that this complaint is based on the following facts:

See attached Affidavit.

Continued on the attached sheet and made a part hereof: Yes



David C. Rosenblum
Task Force Officer, ATF
Special Deputy U.S. Marshal

Sworn to before me and subscribed in my presence,

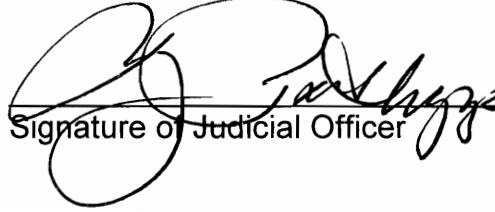
Date

8/13/08

at Wilmington, DE.

City and State

The Honorable Mary Pat Thyng
Name of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT OF PROBABLE CAUSE: ATF Task Force Officer and Special Deputy U.S Marshal David C. Rosenblum

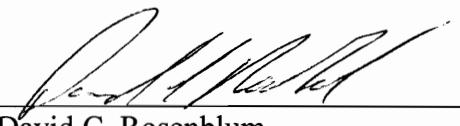
Your Affiant Detective David C. Rosenblum has been a Wilmington Police Officer for over 9 years and is currently assigned as a Task Force Officer (TFO) with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), whose duties include the investigation into firearms offenses committed in Wilmington, Delaware. Your Affiant has been authorized to seek and execute arrest and search warrants supporting a federal task force through Deputization by the United States Marshal's Service. During this Officer's employment as a Law Enforcement Officer, Your Affiant has authored in excess of 400 felony arrests warrants for crimes, some of which involved illegal narcotics and firearms. Prior to Your Affiant's current assignment, this Officer was assigned to the Wilmington Police Drug, Organized Crime, and Vice Division, Operation Safe Streets Task Force where Your Affiant has conducted over an estimated 1000 investigations into illegal narcotics and/or firearms offenses whereby, this Officer seized numerous weapons along with large amounts of narcotics and suspected drug proceeds. During Your Affiant's tenure as a Law Enforcement Officer, Your Affiant has received over 275 days of training from the DOJ, FBI, ATF, DEA, DSP, WPD, DOC, Royal Canadian Mounted Police, North East Counter Drug Training, Homeland Security, California Highway Patrol and other law enforcement agencies. Your Affiant has been qualified in Delaware Superior Court and Federal Court, District of Delaware to provide expert testimony on the intent to distribute controlled substances and has testified as an expert in approximately 15 felony drug trials. During the course of previous investigations, Your Affiant has had conversations with federal agents and law enforcement officers with knowledge and/ or expertise in firearms offenses dealing with interstate nexus of firearms crossing state lines thereby affecting interstate commerce.

1. Unless otherwise stated, the information in this affidavit is based upon Your Affiant's personal knowledge and conversations with other Wilmington Police Officers. Because this affidavit is solely for establishing probable cause, not all facts related to this investigation are included herein.
2. The events stated below occurred on or about 13 Aug 2008, in the City of Wilmington, State and District of Delaware, as stated to Your Affiant by a Wilmington Police Officer.
3. On 13 Aug 2008, a Wilmington Police Officer told Your Affiant that he performed a motor vehicle stop on a vehicle for disregarding a red light. The vehicle was operated by a female and the defendant THOMAS BUTCHER was seated in the passenger seat. The driver of the vehicle was found to have an outstanding capias for her arrest and was taken into custody.
4. THOMAS BUTCHER was found to have an active capias for his arrest as well. BUTCHER removed himself from the vehicle and while being patted down advised the officer that he had a weapon on him.

5. The Officer advised that BUTCHER had a Raven Arms .25 caliber model MP-25 semi-automatic handgun loaded with 6 rounds in his cargo pocket. The weapon was reported to have an obliterated serial number.
6. Your Affiant was contacted by the officer and reported to the Wilmington Police Station. Your Affiant personally inspected the weapon and verified that the description of the weapon was accurate, which it was.
7. Your Affiant reviewed the Delaware Justice Information System Database (DELJIS) and verified that Defendant THOMAS BUTCHER has at least one previous felony conviction in the New Castle County Superior Court for Criminal Mischeif Over \$1500 Damage on or about 5/27/92 which Your Affiant knows is a felony punishable by more than one year in prison.
8. After physically inspecting the weapon and from my training and experience, and after discussion with an ATF Agent who is expertly trained and experienced in determining the interstate nexus of firearms, Your Affiant believes that the above described weapon is a firearm as defined in 18 U.S.C., Chapter 44, Section 921(a)(3) and was manufactured in another country or state other than Delaware such that its possession in Delaware would have necessarily required that the firearm had crossed national or state lines prior to its possession in Delaware and such that the possession of that firearm in Delaware affected interstate or foreign commerce.

Wherefore, based upon Your Affiant's training and experience, Your Affiant believes that there is probable cause to believe that the defendant violated 18 U.S.C. §§ 922(g)(1) and 924(a)(2), by knowingly possessing in and affecting interstate and foreign commerce a firearm, after having previously been convicted of a felony crime punishable by imprisonment for a term exceeding one year, ~~and also violated 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) by possessing with intent to distribute cocaine base~~. Accordingly, Your Affiant respectfully requests that the Court issue a Criminal Complaint charging these offenses.

DR
8-13-08


 David C. Rosenblum
 Task Force Officer, ATF
 Special Deputy U.S. Marshal

Sworn to and subscribed in my presence
 this 13 day of August 2008


 The Honorable Mary Pat Thynge
 United States Magistrate Judge